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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,787	09/04/2001	Dietmar Huglin	HP/2-21867	3542

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CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
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EXAMINER

CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,787

Applicant(s)

HUGLIN ET AL.

Examiner

Lakshmi S. Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35-37, 42-43,47-49 and 54-64 is/are pending in the application.
- 4a) Of the above claim(s) 42 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,35-37,47-49 and 54-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of RCE, amendment and remarks all dated 3-1-06 is acknowledged.

Claims 33,35-37, 42-43, 47-49 and 54-64 are pending. Claims 42 and 43 are withdrawn as being non-elected. Claims 33,35-37,47-49 and 54-64 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-1-06 has been entered.

The following rejection of record has been maintained:

Claim Rejections - 35 USC § 103

Claims 33, 35-37, 47-49 and 54-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2319523 (GB).

GB teaches stabilizer compounds for stabilizing a variety of organic material such as cosmetics, paint compositions and photographic compositions. GB teaches that the UV absorbing triazine compounds are also useful for stabilizing a variety of compounds such as those described on pages 15-20 that are used in cosmetics, biocides, photographic materials, coatings, waxes, oils, fats etc. GB further teaches adding additional antioxidants to the compositions containing triazine stabilizing

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compounds and the compositions to be stabilized (page 21, 3rd paragraph). Among the additional antioxidants, GB teaches compounds that meet the description of the instant formula 2, particularly the esters of subheadings 1.13 and 1.16 (pages 23-24). GB also suggests other antioxidants such as triazine compounds (pages 2-10, 28), benzotriazole compounds (page 26), tocopherol (page 22) and sterically hindered amines (page 27). GB teaches several alkylene bisphenols that reads on the claimed structure. Further, GB teaches employing the antioxidants in cosmetics such as sun protecting compositions (page 92), and other skin and hair applications (page 44 and page 45), by employing in optimum amounts and in combination with cosmetically acceptable excipients. GB fails to exemplify cosmetic or other compositions comprising the claimed phenolic antioxidants. However, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to choosing a combination of antioxidants such as phenolic antioxidants and other antioxidants from the various classes of art recognized antioxidant molecules because GB recognizes each of the classes of antioxidants as efficient in preventing oxidation of a variety of personal as well as household or industrially applicable products. Therefore, one of an ordinary skill in the art would have expected to achieve the desired stabilizing effect (of cosmetic or other compositions) with antioxidants of GB, including the claimed compounds, to prevent the oxidative damage or thermal degradation of the cosmetic or other organic compositions.

Response to Arguments

Applicant's arguments filed 3-1-06 have been fully considered but they are not persuasive.

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Applicants' arguments with respect to Guthrie references are moot, as the rejections are no longer maintained.

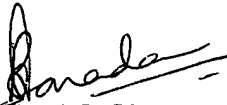
Applicants argue that as previously noted, said GB corresponds to commonly assigned U.S. Patents 6,117,997, 6,184,375 and 6,284,821. It is argued that the reference teaches specific hydroxyphenyltriazines as stabilizers for different organic materials, which are UV absorbers. Applicants' argument is not persuasive because while the GB teaches the compounds as UV absorbers, the property of the compounds (antioxidant and also UV absorbing) does not change. It is argued that GB teaches in addition to the hydroxyphenyl triazines one or more additional components (C) can be used, like antioxidants. It is argued that examiner cites page 92 of the GB reference to demonstrate that antioxidants are used in cosmetics such as sun protection compositions and that page 92 discloses in Example 87 a sun protection cream comprising, compound No. 11, phenolic antioxidant. It is also clearly outside the scope of the specific antioxidants as claimed in claim 33 which all have, in addition to the phenolic group, a carbonyl group. This argument is not persuasive because the present rejection clearly states as to where GB teaches the compounds that fall within the scope of the amended claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -6.30 PM

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lakshmi S Channavajjala
Examiner
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May 15, 2006